

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

| | | |
|---|---|----------------------|
| State Farm Mutual Automobile Insurance Company, |) | |
| |) | |
| Plaintiff, |) | Case No. 17-05845 |
| |) | |
| v. |) | Hon. Margo K. Brodie |
| |) | |
| 21st Century Pharmacy, Inc., |) | Magistrate Judge |
| Albert Alishayev, |) | Vera M. Scanlon |
| Timothy Morley, D.O., |) | |
| Azu A. Ajudua, M.D., |) | |
| Vincentiu Popa, M.D., and |) | |
| Jo-Ann Shakarjian, M.D., |) | |
| |) | |
| Defendants. |) | |

[PROPOSED] INITIAL SCHEDULING ORDER

Upon consent of the appearing parties and their counsel,¹ it is hereby **ORDERED** as follows:

1. Pleadings/Disclosures

- a. Automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure will be completed by December 29, 2017
- b. Defendants 21st Century Pharmacy, Inc., Albert Alishayev, Azu Ajudua, and Vincentiu Popa filed Answers to the Complaint on November 8, 2017 [Dkt. 15–17]. The deadline for defendant Timothy Morley to file an Answer or otherwise respond to the Complaint was November 9, 2017. The deadline for defendant Jo-Ann Shakarjian to file an Answer or otherwise respond to the Complaint was November 17, 2017.
- c. No additional parties may be jointed after June 15, 2018. By this date, the parties may either stipulate to the addition of new parties or commence motion practice

¹ Plaintiff State Farm Mutual Automobile Insurance Company and defendants 21st Century Pharmacy, Inc., Albert Alishayev, Azu Ajudua, and Vincentiu Popa held a Rule 26(f) conference on December 8, 2017.

for joinder in accordance with the Individual Rules of the District Judge assigned to this case.

- d. No amendment of the pleadings will be permitted after June 15, 2018 unless information unknown to the parties by this date late becomes available to them. By this date, the parties may either stipulate to the amendments of the pleadings or commence motion practice for leave to amend the pleadings in accordance with the Individual Rules of the District Judge assigned to this case

2. Discovery

a. Fact Discovery

- i. Initial document requests and interrogatories will be served no later than January 15, 2018
- ii. The parties will serve no more than 25 interrogatories to each party
- iii. Fact discovery closes September 15, 2018

b. Expert Discovery

- i. The names, qualifications and area(s) of expertise of initial experts shall be served on or before ~~October 15, 2018~~ 8/15/18
- ii. Initial expert witness reports shall be served on or before November 15, 2018
- iii. Rebuttal expert reports shall be served on or before December 15, 2018

- c. All discovery, including any depositions of experts, shall be completed on or before February 15, 2019
- d. On or before February 20, 2019, the parties must file on ECF a joint letter confirming that discovery is concluded

e. Any dispositive motion practice must be commenced by March 15, 2019

3. Pretrial/Trial

a. A proposed joint pretrial order must be filed by ~~November 15, 2018~~ *March 15, 2019*

b. The parties do not consent to trial before a magistrate judge pursuant to 28 U.S.C.

§ 636(c).

c. Discovery status ~~telephone~~ conference: TBD (to be scheduled by Court) *May 23, 2018 10:30*

d. Final pretrial conference: TBD (to be scheduled by Court)

4. Settlement

a. Plaintiff agrees to make a demand on or before January 31, 2018

b. Defendants agree to respond to the demand on or before February 13, 2018

5. Additional Matters

a. The parties will submit to the Court a proposed Protective Order governing the use of Confidential information.

This scheduling order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date hereof.

Dated: 12/15/17

15/

Vera M. Scanlon
United States Magistrate Judge

Consented to by Counsel:

/

/s/ Jonathan L. Marks

Ross O. Silverman
Jonathan L. Marks
Michael M. Rosensaft
Matthew R. Ryan
KATTEN MUCHIN ROSENMAN LLP
525 West Monroe Street
Chicago IL 60661
Tel: (312) 902-5200
Fax: (312) 577-4518
ross.silverman@kattenlaw.com
jonathanmarks@kattenlaw.com
michael.rosensaft@kattenlaw.com
matthew.ryan@kattenlaw.com

*Attorneys for Plaintiff State Farm Mutual
Automobile Insurance Company*

/s/ Charles H. Horn

Charles H. Horn
Pablo A. Fernandez
THE RUSSELL FRIEDMAN LAW GROUP LLP
3000 Marcus Avenue
Suite 2E03
Lake Success NY 11042
Tel: (516) 355-9696
Fax: (516) 213-7779
chorn@rfriedmanlaw.com
pfernandez@rfriedmanlaw.com

*Attorneys for Defendants 21st Century Pharmacy, Inc.,
Albert Alishayev, Azu Ajudua, Vincentiu Popa*

→ No extensions absent good
Cause shown

→ Counsel are encouraged to
expeditiously pursue 3d/⁴ party
discovery.